

### **Amendments to the Claims**

This listing of claims will replace all prior versions and listings of claims in the application:

#### **Listing of Claims**

Claim 1 (**Previously Presented**): A method of retrying reading or writing of data, comprising:

A. determining a required time period for performing a retrying type of reading or writing of the data;

B. terminating retrying of reading or writing of the data if the required time period is greater than a remaining retrying limitation time;

determining whether the data is a predetermined type of data;

performing the steps A and B only if the data is the predetermined type of data and not performing following steps C, D, and E if the data is the predetermined type of data:

C. determining a total count of retries for the reading or writing of the data;

D. performing another retry if the total count of retries is not greater than a predetermined maximum number of retries;

E. terminating retrying of reading or writing of data if the total count of retries is greater than the predetermined maximum number of retries; and

performing steps C, D, and E only if the data is not the predetermined type of data;

wherein a same order of retry types is followed according to a retry table for both when the data is the predetermined type and when the data is not the predetermined type.

Claim 2 (**Previously Presented**): The method of claim 1, further comprising:  
starting to time down from the retrying limitation time after a request for reading or writing of the data is generated.

Claim 3 (**Previously Presented**): The method of claim 1, further comprising:  
determining whether an error has occurred during an initial reading or writing of the data or during a prior retry of reading or writing of the data; and

performing steps A and B if said error has occurred.

Claim 4 (**Canceled**).

Claim 5 (**Previously Presented**): The method of claim 1, wherein the predetermined type of data is A/V (audio or video) data.

Claim 6 (**Canceled**).

Claim 7 (**Previously Presented**): The method of claim 1, further comprising:  
determining the retrying type of reading or writing from a sequential order of retrying types as stored within a lookup table; and  
determining the required time period for the retrying type from the lookup table.

Claim 8 (**Previously Presented**): The method of claim 1, further comprising:  
performing a retry of reading or writing the data for the retrying type if the required time period is not greater than the remaining retrying limitation time.

Claim 9 (**Previously Presented**): The method of claim 1, wherein the data is read or written within a hard disc drive.

Claims 10-11 (**Canceled**).

Claim 12 (**Previously Presented**): An apparatus for retrying reading or writing of data, comprising:  
a required time selection portion for determining a required time period for performing a retrying type of reading or writing of the data;

means for terminating retrying of reading or writing of the data if the required time period is greater than a remaining retrying limitation time only when the data is of a predetermined type;

a data identification unit for determining whether the data is the predetermined type of data;

a counting portion for determining a total count of retries of reading or writing of the data;

means for performing another retry if the total count of retries is not greater than a predetermined maximum number of retries only when the data is not the predetermined type of data;

means for terminating retrying of reading or writing of data if the total count of retries is greater than the predetermined maximum number of retries only when the data is not the predetermined type of data; and

means for following a same order of retry types according to a retry table for both when the data is the predetermined type and when the data is not the predetermined type.

**Claim 13 (Previously Presented):** The apparatus of claim 12, further comprising:  
a timing unit for starting to time down from the retrying limitation time after a request for reading or writing of the data is generated.

**Claim 14 (Previously Presented):** The apparatus of claim 12, further comprising:  
means for determining whether an error has occurred during an initial reading or writing of the data or during a prior retry of reading or writing of the data; and  
means for performing any retry of reading or writing of the data when said error has occurred.

**Claim 15 (Canceled).**

Claim 16 (**Previously Presented**): The apparatus of claim 12, wherein the predetermined type of data is A/V (audio or video) data.

Claim 17 (**Canceled**).

Claim 18 (**Previously Presented**): The apparatus of claim 12, further comprising:  
a storage portion for storing a lookup table having a sequential order of retrying types used for determining the retrying type and the required time period for the retrying type.

Claim 19 (**Previously Presented**): The apparatus of claim 12, further comprising:  
means for performing a retry of reading or writing the data for the retrying type if the required time period is not greater than the remaining retrying limitation time.

Claim 20 (**Previously Presented**): The apparatus of claim 12, wherein the data is read or written within a hard disc drive.

Claims 21-22 (**Canceled**).